

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:11cv10**

ANTHONY MARTIN and KIM)	
MARTIN, husband and wife,)	
)	
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
RUSHING CREEK DEVELOPMENT)	
GROUP, LLC, a North Carolina)	
Corporation, and CADC/RADC 2011-1)	
VENTURE 2011-1 LLC,)	
)	
Defendants.)	
)	

Pending before the Court is the Consent Motion to Remand [# 14].

Previously, the Court granted the Motion to Substitute Party and substituted CADC/RADC 2011-1 Venture 2011-1 LLC (“CADC”) as a party defendant in this action in place of the Federal Deposit Insurance Corporation, as Receiver for Bank of Hiawassee, a Georgia Corporation (“FDIC”). As a result of the substitution of parties, the FDIC is no longer a party to this action. Accordingly, the Court set a hearing for November 30, 2011, to address the issue of whether the Court should retain jurisdiction over this case. Because the parties jointly agreed that remand of this case was appropriate, the Court canceled the hearing and directed the parties to

file a consent motion to remand. Upon a review of the record in this case and the Consent Motion to Remand, the Court **GRANTS** the motion [# 14] and **DIRECTS** the Clerk to **REMAND** this case to the Superior Court of Cherokee County.

Signed: December 1, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

